

WQH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

7 UNITED STATES OF AMERICA,) Mag. Case No. '08 MJ 8587
8 Plaintiff,) COMPLAINT FOR VIOLATION OF
9 v.) Title 8, U.S.C., Section 1326
10 Jose HURTADO-Mendoza,) Attempted Entry After
11 Defendant.) Deportation (Felony)

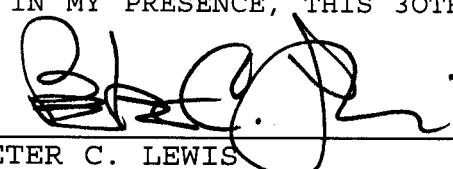
13 The undersigned complainant being duly sworn states:

14 On or about June 27, 2008, within the Southern District of
15 California, defendant Jose HURTADO-Mendoza, an alien, knowingly and
16 intentionally attempted to enter the United States of America with the
17 purpose, i.e. conscious desire, to enter the United States, without
18 the express consent of the Attorney General of the United States or
19 his designated successor, the Secretary of the Department of Homeland
Security, after having been previously excluded, deported and removed
from the United States to Mexico, and not having obtained said express
consent to reapply for admission thereto; and committed an overt act,
to wit, crossing the border from Mexico into the United States, that
was a substantial step towards committing the offense, all in
violation of Title 8, United States Code, Section 1326.

21 And the complainant states that this complaint is based on the
22 attached statement of facts, which is incorporated herein by
reference.

23 
MARCO A. MIRANDA
Senior Border Patrol Agent

24 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH DAY OF
25 JUNE, 2008.

26 
PETER C. LEWIS
27 UNITED STATES MAGISTRATE JUDGE

I, Senior Border Patrol Agent Marco Miranda declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

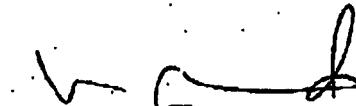
The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, E. Blackburn, that the Defendant was found and arrested on June 27, 2008 east of the Calexico, California Port of Entry.

BPA Blackburn was performing his assigned Border Patrol duties approximately 18 miles east of the Calexico, California Port of Entry. The Remote Video Surveillance System Operator advised agents of thirteen suspected illegal immigrants that were attempting to gain illegal entry into the United States by rafting across the All American Canal. BPA Blackburn responded to the area. The RVSS operator notified Agent Blackburn that twelve subjects continued northbound and one subject returned south back into Mexico. Agent Blackburn intercepted the twelve suspected illegal aliens as they made their way northbound. Agent Blackburn identified himself as a United States Border Patrol Agent and questioned each individual as to their immigration status to be in or remain in the United States legally. All twelve subjects including a male later identified as, Jose HURTADO-Mendoza, admitted to being natives and citizens of Mexico without proper documentation that would allow them to be in or remain in the United States legally. All twelve subjects were placed under arrest and transported to the Calexico Border Patrol Station.

Record checks revealed that an Immigration Judge ordered HURTADO-Mendoza deported to Mexico from the United States on November 15, 2004. Record checks also revealed that HURTADO-Mendoza had an extensive criminal history.

At approximately 8:59 p.m. hours, HURTADO-Mendoza was advised of his Miranda Rights in the Spanish language by Agent M. Hernandez. HURTADO-Mendoza acknowledged understanding his rights and was willing to answer questions. HURTADO-Mendoza stated that he did not have any legal documents that would allow him to work in or reside in the United States. HURTADO-Mendoza also stated that he knowingly made an illegal entry into the United States. HURTADO-Mendoza was questioned regarding his deportation and HURTADO-Mendoza said that he had previously been deported. There is no evidence HURTANDO-Mendoza has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on June 28, 2008 at 0930.



Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on June 28, 2008 in violation of Title 8, United States Code 1326.

27 BLM



Barbara L. Major
United States Magistrate Judge

6/28/08 at 9:45 AM
6/28/08 0930